APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/756,425	01/14/2004	Taketo Yoshii	742406-27	3264

			EXAMINER
22204	7590	04/05/2005	NAJJAR, SALEH

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ART UNIT	PAPER NUMBER
2157	

DATE MAILED: 04/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	**Applicant(s)**
Office Action Summary	10/756,425	YOSHII ET AL.
	Examiner	**Art Unit**	
	Saleh Najjar	2157	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *14 January 2004*.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-18* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-18* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
      application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date *August 24, 2004*.

4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____ .

U.S. Patent and Trademark Office

PTOL-326 (Rev. 1-04)   Office Action Summary   Part of Paper No./Mail Date 200503019

1.   This action is responsive to the application filed on January 14, 2004. Claims 1-
18 are pending.

2.   The title of the invention is not descriptive. A new title is required that is clearly
indicative of the invention to which the claims are directed.

3.   A rejection based on double patenting of the "same invention" type finds its
support in the language of 35 U.S.C. 101 which states that "whoever invents or
discovers any new and useful process ... may obtain a patent therefor ..." (Emphasis
added). Thus, the term "same invention," in this context, means an invention drawn to
identical subject matter. See *Miller v. Eagle Mfg. Co.*, 151 U.S. 186 (1894); *In re
Ockert*, 245 F.2d 467, 114 USPQ 330 (CCPA 1957); and *In re Vogel*, 422 F.2d 438, 164
USPQ 619 (CCPA 1970).

        A statutory type (35 U.S.C. 101) double patenting rejection can be overcome by
canceling or amending the conflicting claims so they are no longer coextensive in
scope. The filing of a terminal disclaimer cannot overcome a double patenting rejection
based upon 35 U.S.C. 101.

4.   Claims 1-18 are provisionally rejected under 35 U.S.C. 101 as claiming the same
invention as that of claims 1-6 of copending Application No. 10/756,405. This is a
provisional double patenting rejection since the conflicting claims have not in fact been
patented.

5.   Claims 1-18 are provisionally rejected under 35 U.S.C. 101 as claiming the same
invention as that of claims 1-47 of copending Application No. 10/756,540. This is a
provisional double patenting rejection since the conflicting claims have not in fact been
patented.

6.   The nonstatutory double patenting rejection is based on a judicially created
doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the
unjustified or improper timewise extension of the "right to exclude" granted by a patent
and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11

F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi,* 759 F.2d 887, 225

USPQ 645 (Fed. Cir. 1985); *In re Van Ornum,* 686 F.2d 937, 214 USPQ 761 (CCPA

1982); *In re Vogel,* 422 F.2d 438, 164 USPQ 619 (CCPA 1970);and, *In re Thorington,*

418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

7.   Claims 1-18 are provisionally rejected under the judicially created doctrine of

double patenting over claims 1-6 of copending Application No. 10/756,405. This is a

provisional double patenting rejection since the conflicting claims have not in fact been

patented.

8.   Claims 1-18 are provisionally rejected under the judicially created doctrine of

double patenting over claims 1-47 of copending Application No. 10/756,540. This is a

provisional double patenting rejection since the conflicting claims have not in fact been

patented.

9.   Claims 1-18 are provisionally rejected under the judicially created doctrine of

obviousness-type double patenting as being unpatentable over claims 1-4 of copending

Application No. 10/721,416 in view U.S. Patent No. 5,801,696 (Roberts).

The claimed feature of the first and second applications register the first and

second application determining information is taught by the Roberts reference (see col.

12, lines 15-25, the applications inform the dispatcher the type of event it is interested

in).

It would have been obvious to one of ordinary skill in the art at the time of the

invention to modify the 620' reference to include the limitation wherein the first and

second applications register the first and second application determining information.
One would be motivated to do so to recognize the currently running application window.

This is a <u>provisional</u> obviousness-type double patenting rejection.

10.   Claims 1-18 are provisionally rejected under the judicially created doctrine of
obviousness-type double patenting as being unpatentable over claims 1-8 of copending
Application No. 10/756,268 in view of U.S. Patent No. 5,801,696 (Roberts).

The claimed feature of the first and second applications register the first and
second application determining information is taught by the Roberts reference (see col.
12, lines 15-25, the applications inform the dispatcher the type of event it is interested
in).

It would have been obvious to one of ordinary skill in the art at the time of the
invention to modify the 620' reference to include the limitation wherein the first and
second applications register the first and second application determining information.
One would be motivated to do so to recognize the currently running application window.

This is a <u>provisional</u> obviousness-type double patenting rejection.

11.   Claims 1-18 are rejected under the judicially created doctrine of obviousness-
type double patenting as being unpatentable over claims 1-2 of U.S. Patent No.
6,711,620 in view of U.S. Patent No. 5,801,696 (Roberts).

The claimed feature of the first and second applications register the first and
second application determining information is taught by the Roberts reference (see col.
12, lines 15-25, the applications inform the dispatcher the type of event it is interested
in).

It would have been obvious to one of ordinary skill in the art at the time of the
invention to modify the 620' reference to include the limitation wherein the first and
second applications register the first and second application determining information.
One would be motivated to do so to recognize the currently running application window.

This is a <u>provisional</u> obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

12.   Claims 1-18 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-9 of copending Application No. 10/721,415. Although the conflicting claims are not identical, they are not patentably distinct from each other because the claims of the instant application represent a apparatus and program in contrast to the method claims of U.S. Patent No. 10/721,415.

13.   Claims 1-18 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-2 of copending Application No. 10/756,539. Although the conflicting claims are not identical, they are not patentably distinct from each other because the limitation wherein the event received as part of a digital broadcast is found in the dependent claims.

14.   Claims 1-18 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-4 of copending Application No. 10/756,503. Although the conflicting claims are not identical, they are not patentably distinct from each other because the limitation wherein the event received as part of a digital broadcast is found in the dependent claims.

15.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

16. Claims 1-7, and 10-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Roberts, U.S. Patent No. 5,801,696.

Roberts teaches the invention substantially as claimed including a system and method for queuing events destined for one or more windows associated with applications displayed by a computer (see abstract).

As to claim 1, Roberts teaches an event sending system in a computer for sending to an application an event corresponding to an input from a user, comprising:

means for registering first application determining information identifying which event can be received by a first predetermined application (see figs. 1-6; col. 2, lines 60-67; col. 3, lines 1-10, lines 45-55; col. 4, lines 1-10; col. 12, lines 60-67, Roberts discloses that applications are associated with certain types of logical events representing user inputs),

means for sending the event corresponding to the input from the user to the first predetermined application based on the first application determining information when the first application determining information identifies the event corresponding to the input from the user can be received by the first predetermined application (see col. 4, lines 1-30, Roberts discloses that the event is routed by the dispatcher based on its type); and

means for sending the event corresponding to the input from the user to a second predetermined application other than the first predetermined application based on a second application determining information when there is second application determining information identifying that the event corresponding to the input from the user can be received by the second predetermined application (see col. 4, lines 1-67; col. 6, lines 1-67, Roberts discloses that the dispatcher routes the event to the appropriate window associated with the particular application), wherein

the first predetermined application registers the first application determining information, and the second predetermined application registers the second application determining information which event can be received by the second predetermined application (see col. 12, lines 15-20, Roberts discloses that the application informs the dispatcher of the types of events it is interested in).

Roberts fails to teach the claimed limitation of a broadcast receiver.

However, "Official Notice" is taken that the concept and advantages of implementing the event sending method in a digital broadcast receiver is old and well known in the art.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Roberts by implementing the window display process in a digital broadcast receiver. One would be motivated to do so to implement an application windowing capability through a graphical user interface in a digital broadcast receiver.

As to claim 2, Roberts teaches the system of claim 1 above, wherein the first application alters the first application determining information based on situation of the first application (see col. 5, lines 15-20; col. 12, lines 15-25).

As to claim 3, Roberts teaches the event sending system according to claim 1 wherein the second application alters the second application determining information based on situation of the second application (see col. 11-12).

As to claim 4, Roberts teaches the event sending system according to claim 1, wherein the first application determining information is registered in a storage means in the receiver (see col. 12, lines 1-20, dispatcher memory).

As to claim 5, Roberts teaches the event sending system according to claim 1, wherein the second application determining information is registered in a storage means in the receiver (see col. 12, lines 1-20).

As to claim 6, Roberts teaches the event sending system according to claim 1, wherein the first predetermined application registers the first application information based on a first receivable event information identifying which event can be received by the first predetermined application (see col. 12, lines 15-25).

As to claim 7, Roberts teaches the event sending system according to claim 1, wherein the second predetermined application registers the second application information based on a second receivable event information identifying which event can be received by the second predetermined application (see col. 12, lines 15-25).

Claims 10-16 do not teach or define any new limitations above claims 1-7 and therefore are rejected for similar reasons.

17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Saleh Najjar whose telephone number is (571)272-4006. The examiner can normally be reached on Monday - Friday 9:00am-6:00pm w/ first Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (703)308-7562. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Saleh Najjar
Primary Examiner / Art Unit 2157